

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

**IN THE MATTER OF A MEMBER OF THE  
STATE BAR OF ARIZONA,**

**DAVID LEE GOLDFARB,  
Bar No. 023230**

**Respondent.**

**PDJ 2023-9052**

**ORDER OF INTERIM  
SUSPENSION**

[State Bar No. 23-1642]

**FILED JULY 5, 2023**

On June 29, 2023, the State Bar of Arizona and Respondent David Lee Goldfarb, through counsel, stipulated to entry of an order of interim suspension pursuant to Rule 61, Ariz. R. Sup. Ct. The stipulation of the parties is incorporated herein by reference. Good cause appearing,

**IT IS ORDERED** that **David Lee Goldfarb, Bar No. 023230**, is placed on interim suspension, effective July 21, 2023. This order shall continue in force until final disposition of all pending discipline proceedings against Mr. Goldfarb, unless vacated or modified. *See* Rule 61(d).

**IT IS FURTHER ORDERED** that Respondent comply with the requirements relating to notification of clients and others and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

**IT IS FURTHER ORDERED** that the State Bar proceed expeditiously with any related disciplinary investigations and proceedings.

DATED this 5<sup>th</sup> day of July, 2023.

Margaret H. Downie  
Margaret H. Downie  
Presiding Disciplinary Judge

Copies of the foregoing emailed  
this 5<sup>th</sup> day of July, 2023, to:

Craig D. Henley  
[lro@staff.azbar.org](mailto:lro@staff.azbar.org)

Nancy A. Greenlee  
[nancy@nancygreenlee.com](mailto:nancy@nancygreenlee.com)

by: SHunt

Craig D. Henley, Bar No. 018801  
Senior Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Telephone (602)340-7278  
Email: LRO@staff.azbar.org

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

**IN THE MATTER OF A CURRENT  
MEMBER OF THE STATE BAR OF  
ARIZONA,**

**DAVID LEE GOLDFARB  
Bar No. 023230**

Respondent.

**PDJ 2023-9052**

**STIPULATION FOR INTERIM  
SUSPENSION**

State Bar No. 23-1642

The Parties, through undersigned bar counsel, stipulate to the Presiding Disciplinary Judge, entering an order placing the Respondent, David Lee Goldfarb, on interim suspension pursuant to Rule 61, Ariz. R. Sup. Ct. Respondent admits has engaged in conduct that has caused substantial harm to his clients, and damage to the public, the legal profession or the administration of justice.

This stipulation is supported by the attached admission, attached as Exhibit A, and the following Memorandum of Points and Authorities.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

As outlined by Respondent's admissions set forth in his redacted May 25, 2023 supplemental response to the State Bar, Respondent has repeatedly engaged in inappropriate and sexual conduct with his clients. (Exh. A)

As part of this stipulation, Respondent further admits that he is currently the subject of additional State Bar screening investigations which also raise a concern that Respondent may engage in further ethical misconduct.

Respondent's intentional inappropriate conduct with clients demonstrates a serious disregard for the ethical rules that create concerns about his fitness to practice without further injuring the public. Such conduct is likely to cause immediate and substantial harm if he is permitted to continue practicing during the months leading up to a formal disciplinary hearing.

The PDJ should also be aware that Respondent leaving the country on June 29, 2023 and returning on July 19, 2023. (Exh. B)

Accordingly, the parties request that, if granted, the PDJ orders the interim suspension to begin on Friday, July 21, 2023.

For the foregoing reasons demonstrating good cause, and pursuant to Rule 61(a), Ariz. R. Sup. Ct., the parties stipulate to this Court entering an order placing Respondent on interim suspension effective July 21, 2023.

**RESPECTFULLY SUBMITTED** this 28<sup>th</sup> day of June 2023. *28th* *not*

**STATE BAR OF ARIZONA**

*/s/ Craig D. Henley*

\_\_\_\_\_  
Craig D. Henley  
Senior Bar Counsel

*[Signature]* \_\_\_\_\_  
David Lee Goldfarb  
Respondent

*[Signature]* \_\_\_\_\_  
Nancy A. Greenlee  
Respondent's Counsel

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 29<sup>th</sup> day of June, 2023.

Copy of the foregoing emailed  
this 29<sup>th</sup> day of June, 2023, to:

The Honorable Margaret H. Downie  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
1501 West Washington Street, Suite 102  
Phoenix, Arizona 85007  
E-mail: [officepdj@courts.az.gov](mailto:officepdj@courts.az.gov)

Copy of the foregoing mailed/emailed  
this 29<sup>th</sup> day of June, 2023, to:

Nancy A. Greenlee  
821 E. Fern Drive North  
Phoenix, AZ 85014-3248  
Email: [nancy@nancygreenlee.com](mailto:nancy@nancygreenlee.com)  
Respondent's Counsel

Copy of the foregoing hand-delivered  
this 29<sup>th</sup> day of June, 2023, to:

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266

by: /s/Jackie Salazar  
CDH/js

## **EXHIBIT A**

Nancy A. Greenlee  
Attorney and Counselor at Law  
821 East Fern Drive North  
Phoenix, Arizona 85014  
Telephone (602) 264-8110  
Fax (602) 264-8125  
Email nancy@nancygreenlee.com

May 25, 2023

Craig D. Henley  
Senior Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St Ste 100  
Phoenix, AZ 85016-6266

Re: File No. 23-0925  
Complainant/Respondent: David L. Goldfarb

Dear Mr. Henley:

Please consider this a supplement and correction to the original self-report submitted by Mr. Goldfarb.

Mr. Goldfarb originally self-reported a single consensual act with a female client. Following his retention of me, I referred Mr. Goldfarb for counseling which he has attended once a week since approximately the week of April 17, 2023. Additional conduct violative of ER 1.8(j) must be disclosed.

[REDACTED]

Ms. [REDACTED] representation began in about 2016. In either May of 2017 or 2018, Mr. Goldfarb's attorney-client relationship became "friendly" in that they began to discuss Mr. Goldfarb's own personal life. He believed they were similar in their approach to things happening in their life and this caused a bond to form. Eventually, they engaged in consensual oral sex two times over the times that Mr. Goldfarb represented her. They also engaged in video chats and text messages that were of a sexual nature. Ms. [REDACTED] had three different litigation matters on which Mr. Goldfarb represented her. His representation of her wound down in or about September 2021. Their personal relationship ended around the same time (when Ms. [REDACTED] got re-married). While Mr. Goldfarb did care for Ms. [REDACTED] he does acknowledge that he violated professional boundaries when he allowed himself to become emotionally and physically involved with Ms. [REDACTED]

[REDACTED]

Mr. Goldfarb represented Ms. [REDACTED] on two post-decree matters involving the father of her children. The first case was in approximately 2018. The parties thereafter reconciled for a time. Nothing improper occurred during the first matter. The second case began in the spring of 2021.



The trial was on June 1, 2022. During the second representation around the fall of 2021, or spring of 2022, Mr. Goldfarb and Ms. [REDACTED] had some conversations that went beyond the attorney-client relationship into things of a more personal and/or sexual nature, and the two kissed on one occasion when they met after work hours. They texted and some of those texts were of a personal and sexual nature.

[REDACTED]

Mr. Goldfarb represented Ms. [REDACTED] in the fall of 2021. Her case was settled at a settlement conference. Following that, Ms. [REDACTED] texted Mr. Goldfarb photos of her in lingerie. They also shared a kiss at a time after the case was settled.

[REDACTED]

In or about 2021, Mr. Goldfarb was representing Ms. [REDACTED] on either a paternity action or a modification matter. During the representation, professional boundaries were crossed in terms of topics of discussion between the two. They mostly communicated by telephone but they had a few calls using Facetime. There was no physical act.

[REDACTED]

Mr. Goldfarb began representing Ms. [REDACTED] in mid to late February 2023. They had a few conversations over Facetime, and Facebook that crossed professional boundaries, but they never met in person.

[REDACTED]

Mr. Goldfarb recalls no communications with Ms. [REDACTED] of a sexual nature, but on a few occasions, they likely discussed matters that were not appropriate topics to discuss with a client.

[REDACTED]

Mr. Goldfarb represented Ms. [REDACTED] on a couple of matters; the first was a modification case. Once that concluded and before the second case began for contempt, the two had Facetime calls that were improper.

#### Ethical rules

Mr. Goldfarb acknowledges a violation of ER 1.8(j) regarding those clients with whom he engaged in a physical sex act, i.e., Ms. [REDACTED] and [REDACTED] (the name of the client in his initial self-report). For the others, there was the potential for an ER 1.7(a)(2) violation although

Craig D. Henley  
May 25, 2023  
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the clients' actual representation was in other respect objectively competent and not objectively impacted by professional boundaries that might have been crossed. The clients were owed and deserved a better attorney-client relationship than one where Mr. Goldfarb's own personal interests were being served.

His conduct was not prejudicial to the administration of justice in violation of ER 8.4(d) because he continued to provide competent, diligent, and effective representation to his clients in their litigation matters.

Mr. Goldfarb is actively involved in counseling to uncover the reasons that he allowed himself to engage in this behavior. He is presently in the midst of his own dissolution of marriage and while cliché, his unhappy marital relationship contributed to the unhappiness and isolation that he has felt for a number of years. He is committed to continuing with counseling so that he uncovers all the reasons that led him to what he knows is and was an unacceptable violation of the attorney-client relationship. Mr. Goldfarb never wants to be in a position again where he is able to bury and/or rationalize unacceptable conduct. He is deeply ashamed of his behavior and extremely remorseful.

Please let me know if this is any further information that you need.

Very truly yours,



Nancy A. Greenlee

## **EXHIBIT B**

10:56

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## Reservation details



Travel-Ready Center >

### United confirmation: HEGZY4

#### UA 5457

10:34 am

12:05 pm

PHX ----- 1h 31m ----- LAX

Phoenix, AZ  
Thu, Jun 29, 2023

Los Angeles, CA  
Thu, Jun 29, 2023

Operated by Skywest Airlines dba United Express

#### Flight details



[REDACTED] GOLDFARB - 22C >

[REDACTED] GOLDFARB - 22D >

[REDACTED] GOLDFARB - 22B >

DAVIDLEE GOLDFARB - 22A >

#### UA 231

12:55 pm

7:25 am

LAX ----- 10h 30m ----- LHR

Los Angeles, CA  
Thu, Jun 29, 2023

London, GB  
Fri, Jun 30, 2023

Operated by United Airlines

#### Flight details



[REDACTED] GOLDFARB - 6D >

[REDACTED] GOLDFARB - 6A >

[REDACTED] GOLDFARB - 6L >

DAVIDLEE GOLDFARB - 6F >

12:11

Search



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Updated 16 hours, 22 minutes ago

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Passengers

Seats

████ Goldfarb

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David Goldfarb

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